

27 April 2020

Aboriginal Justice Unit  
Department of the Attorney-General and Justice

[agd.aju@nt.gov.au](mailto:agd.aju@nt.gov.au)

Re: Draft NT Aboriginal Justice Agreement.

The NT Mental Health Coalition (the Coalition) is the peak body for community mental health and wellbeing. The Coalition represents NT community managed mental health organisations. We work in collaboration with a wide network of organisations, including people with lived experience, their families and supporters across the Northern Territory. We work at both a national and local level to improve the mental health and wellbeing of Territorians.

The community mental health sector is well-placed to support Aboriginal Territorians at risk of or experiencing mental illness. Our member organisations have Aboriginal clients and an Aboriginal workforce and have developed culturally appropriate and delivered mental health services within a model of person-centred care.

The Coalition welcomes the opportunity to comment on the draft NT Aboriginal Justice Agreement. We applaud the Northern Territory Government's initiative to build partnerships aimed at improving the NT justice system, and support the Agreement vision ie

*[f]or Aboriginal Territorians to live safe, fulfilling lives and be treated fairly, respectfully and without discrimination, and for Aboriginal offenders to have the opportunity to end their offending.*

We would like to bring the recent findings of the Productivity Commission Inquiry into Mental Health to your attention, particularly in relation to mental health and justice. The draft report finds<sup>1</sup>:

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<sup>1</sup> Productivity Commission 2019 Inquiry into Mental Health. Draft Report Volume 1, Chapter 16 Justice, page 589.  
<https://www.pc.gov.au/inquiries/current/mental-health/draft>



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**The justice system matters for people with mental illness because ...**

- The prevalence of mental illness is high among prisoners. The majority are imprisoned for short sentences, and often cycle in and out. A lack of mental health and other supports when transitioning back to the community contributes to this.
  - The attributable cost of mental illness to Australia's criminal justice system is estimated to be \$2.4 billion per year.
  - A person's contact with the justice system (at all stages) presents opportunities to intervene — the criminal justice system can act as a gateway towards mental healthcare.
  - People with mental illness are over-represented as victims of crime.
  - People living with mental ill-health are more likely to experience legal problems and face barriers to accessing justice.
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The “Pathways to the NT Aboriginal Justice Agreement” also recognises that Aboriginal people with mental health issues are disadvantaged across multiple stages of the justice system. Mental health statistics indicate that almost a quarter of Aboriginal Territorians (23.3%) experience high/very high psychological distress, almost twice the national average of 11.8%<sup>2</sup>. Young people aged between 15 and 24 years constitute 25% of all community-based clients, despite being only 15% of the NT population. The same people who are disproportionately represented in the justice system are also the most likely to be experiencing historic trauma and mental illness.

The community mental health sector takes a holistic approach to mental health and wellbeing that recognises the importance of the cultural and social determinants of health. We suggest that in addition to the strategies identified in the draft Aboriginal Justice Agreement, the Agreement would benefit from taking a more holistic, trauma informed response approach that includes additional strategies for:

- expanding prevention and early intervention programs including trauma informed care and mental health assessments across all domains, not just forensic.
- mental health assessments to all areas of the justice system across the NT, especially for young people. Our experience demonstrates that early attention to a person's psychosocial needs means that they can address risky behaviours and are more likely to avoid contact with the criminal justice system

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<sup>2</sup> Australian Bureau of Statistics. (2016). Causes of Death. Available at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3303.0> cited in Department of Health (2016) Primary Health Networks Mental Health and Suicide Prevention Needs Assessment Northern Territory PHN <https://www.ntmhc.org.au/wp-content/uploads/2016/09/2016-NT-PHN-Needs-Assessment-Mental-Health-and-Suicide-Prevention.pdf>



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**MENTAL HEALTH  
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- providing accommodation and housing for people at risk of, or experiencing homelessness, including a step-down model of care which includes, supported accommodation for people released from the justice system. Again, our experience demonstrates that psychosocial (non-clinical) support can provide an effective exit from the justice system
- adopting a medical model of treatment which includes trauma-informed and healing-focussed practices across the justice system, in addition to culturally safe practice. Intergenerational trauma is often manifested as substance abuse and violence. Treating (and punishing) these symptoms is unlikely to be effective without addressing the underlying trauma
- mental health screening and interventions, such as those recommended by the Royal Commission into the Protection and Detention of Youth in the Northern Territory<sup>3</sup>, expanded to include adults
- ongoing training in trauma and mental health for front line staff including police and corrections officers.

For further information or clarification, please contact Executive Officer, Vanessa Harris, phone: 08 8948 2246; email: [eo@ntmhc.org.au](mailto:eo@ntmhc.org.au).

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<sup>3</sup> Royal Commission and Board of Inquiry into the Protection and Detention of Youth in the Northern Territory 2017 Findings and Recommendations Chapter 15 Health, mental health and children at risk, p33  
<https://www.royalcommission.gov.au/sites/default/files/2019-01/rcnt-royal-commission-nt-findings-and-recommendations.pdf>